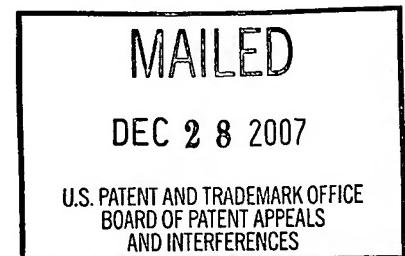


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte TATSUO NAKAJIMA, ARITO MATSUI, TAKASHI NISHIMOTO,
GO ITOHIYA, HAJIME ASAII, and TSUNEO TAKANO

Application 10/058,064
Technology Center 3700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on December 4, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

The Examiner has failed to list prior art relied upon in the rejections currently on appeal under the heading “**(8) Evidence Relied Upon**” in the Examiner’s Answer mailed January 5, 2007. The Examiner cites to *Merriam Webster’s Collegiate Dictionary* (10th Ed.) for a definition of the word “spun.” (Answer page 6). *See the Manual of Patent Examining Procedure (MPEP)* § 1207.02(A)(8).

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of all references mentioned and provide a copy of any NPL/Foreign reference which is not presently of record. *See MPEP* § 1207.02. Appropriate correction is required.

Application 10/058,064

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) to issue and mail a PTOL-90 having the missing reference listed under the Evidence Relied Upon section, paragraph (8);
- (2) to provide a copy of any NPL/Foreign document that is relied upon and not presently of record; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick J. Nolan
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